Case 1:05-mj-00078-DLB Document 5 Filed 04/18/05 Page 1 of 2 UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,) CASE NO. No. 1: 05 MJ 78 DLB) DETENTION ORDER	
JOSI	E LUIS VASQUEZ-VASQUEZ,))	
	Defendant.)))	
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
В.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.		
C.	the Pretrial Services Report, and includes the f (1) Nature and circumstances of the offense ch (2) The crime: deported a maximum penalty of 2/2 (b) The offense is a crime (c) The offense involves a	narged. lien found in the United States is a serious crime and carries a <u>0 years</u> . of violence.	
	(2) The weight of the evidence against the defermance (3) The history and characteristics of the defermance (a) General Factors:	endant is high. Indant including: In mental condition which may affect whether the defendant will Is in the area. In ployment. If financial resources. It resident of the community. It is in the area is a second of the community. It is in the area is a second of the community. It is a second of the community ties. It is a second of the community ties. It is a second of the community ties.	

	С	ase 1:05-mj-00078-DLB Document 5 Filed 04/18/05 Page 2 of 2 At the time of the current arrest, the defendant was on:
		Probation.
		Parole. Release pending trial, sentence, appeal or completion of sentence.
	(c)	Other Factors:
	(0)	✓ The defendant is an illegal alien and is subject to deportation.
		The defendant is a legal alien and will be subject to deportation if convicted.
		Other: .
		nature and seriousness of the danger posed by the defendant's release are as follows: . ttable Presumptions
		termining that the defendant should be detained, the Court also relied on the following rebuttable
		(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:
		a. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
		(A) A crime of violence; or
		(B) An offense for which the maximum penalty is life imprisonment or death; or (C) A controlled substance violation which has a maximum penalty of 10 years or more
		or
		(D) A felony after the defendant had been convicted of two or more prior offenses described in (A) through (C) above, and the defendant has a prior conviction of one of the crimes mentioned in (A) through (C) above which is less than five years old and which was committed while the defendant was on pretrial release.
		b. That no condition or combination of conditions will reasonably assure the appearance of the
		defendant as required and the safety of the community because the Court finds that there is
		probable cause to believe:
		(A) That the defendant has committed a controlled substance violation which has a
		maximum penalty of 10 years or more.
		(B) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or
		carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).
		c. That the defendant has committed an offense after April 30, 2003, involving a minor victim
		under sections 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of Title 18.
D.	Additional I	<u>Directives</u>
		8 U.S.C. § 3142(i)(2)-(4), the Court directs that:
		nt be committed to the custody of the Attorney General for confinement in a corrections facility
separat and		t practicable from persons awaiting or serving sentences or being held in custody pending appeal;
		nt be afforded reasonable opportunity for private consultation with his counsel; and
_	of the correct	er of a court of the United States, or on request of an attorney for the Government, the person in ions facility in which the defendant is confined deliver the defendant to a United States Marshal appearance in connection with a court proceeding.
ioi iiie	purpose or an	appearance in connection with a court proceeding.
IT IS S	O ORDERE	D.
Dated:	April 15	, 2005
3b142a	-	UNITED STATES MAGISTRATE JUDGE